

FILED

OCT 12 2004

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

IN RE:)	Case No. 98:02675-5-AVS
)	Chapter 7
INTERNATIONAL HERITAGE, INC.)	
(TAX ID#: 56-1921093))	Case No. 98:02674-5-AVS
)	Chapter 7
INTERNATIONAL HERITAGE)	
INCORPORATED)	
(Tax ID#: 87-0421191))	VAN ETTEN'S RESPONSE IN
)	OPPOSITION TO GOVERNMENT
Address: 2626 Glenwood Avenue, Suite 200)	REQUEST FOR CONTINUANCE
Raleigh, NC 27608)	

Now comes Stanley H. Van Etten, Pro Se, in opposition to the Motion to Continue filed by the Office of the United States Attorney.

Van Etten objects to any continuance of the October 14, 2004 Show Cause Hearing, as the Parties in Contempt remain in Contempt, and both Van Etten and the Debtors' Estate continue to suffer irreversible harm and prejudice thereto, requiring the Bankruptcy Court's immediate intervention.

Van Etten adopts and incorporates by reference herein, Van Etten's Motion to Show Cause (docket at entry #646 and #647), Van Etten's Response in Opposition to Wood & Francis and Brent Wood Motion to Dismiss (docket at entry #651 and #652), and additionally shows the Court the following.

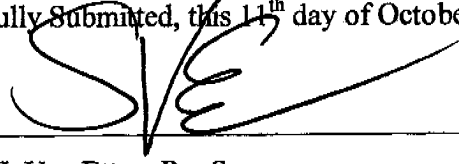
1. Van Etten served Van Etten's Motion to Show Cause, Request for Remedial Action and Notice to Parties in Interest, on the Office of the U.S. Attorney and former AUSA Scott Wilkinson, via hand-delivery, on September 17, 2004. See Van Etten's Certificate of Service in this Court's Record at docket entry #646 and #647.
 - a. Former AUSA Scott Wilkinson
 - b. AUSA Gaston Williams
 - c. EA-AUSA John Bruce
 - d. Government Evidence Custodian Chris Yokus

2. **Neither the Office of the U.S. Attorney nor former AUSA Scott Wilkinson has filed a Response in Opposition to Van Etten's motions.**
3. On September 27, 2004, Wood & Francis and Brent Wood filed Motion to Dismiss, see court docket at entry #650.
4. Van Etten responded in opposition to Wood & Francis and Brent Wood Motion to Dismiss and served copy of the same on the Office of the U.S. Attorney, via U.S. Mail, and former AUSA Scott Wilkinson, via hand-delivery, on September 28, 2004. See Van Etten's Certificate of Service in this Court's Record at docket entry #651 and #652.
 - a. AUSA Gaston Williams
 - b. Former AUSA Scott Wilkinson
5. **Neither the Office of the U.S. Attorney nor former AUSA Scott Wilkinson has filed a Motion to Dismiss Van Etten's motions.**
6. The Motion to Continue filed by the Office of the U.S. Attorney does not offer any legal basis for which a continuance should be granted.
7. The Motion to Continue filed by the Office of the U.S. Attorney does not offer any factual basis for which a continuance should be granted.
8. On September 30, 2004, Deputy Bankruptcy Court Clerk, Duane W. Haddock, by and through Van Etten, issued two (2) Subpoenas' requiring two (2) attorneys to appear before the Court to testify as scheduled for October 14, 2004 for the Show Cause Hearing. See subpoenas attached hereto as Exhibit 1.
 - a. Charles Francis, Wood & Francis partner and attorney
 - b. Anthony Flanagan, Wood & Francis associate attorney
9. Trustee, Holmes P. Harden, did not join the Office of the U.S. Attorney in its Motion to Continue, presumably objecting thereto.

Van Etten objects to any continuance of the October 14, 2004 Show Cause Hearing, as the Parties in Contempt remain in Contempt, and both Van Etten and the Debtors' Estate continue to suffer irreversible harm and prejudice thereto, requiring the Bankruptcy Court's immediate intervention.

Van Etten respectfully moves the Court for an Order Denying the Office of the U.S. Attorneys' Motion to Continue

Respectfully Submitted, this 11th day of October 2004,

A handwritten signature in black ink, appearing to be 'SVE', is written over a horizontal line.

Stanley H. Van Etten, Pro Se

CERTIFICATE OF SERVICE

I, Stanley H. Van Etten, do hereby certify that this Response in Opposition is served upon all parties listed below, by mailing a complete copy thereof to each such party at the address indicated below with its proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Post Office, to include those parties requesting electronic service via email, on October 11, 2004.

Marjorie K. Lynch
Bankruptcy Administrator
P.O. Box 3039
Raleigh, NC 27602-3039

Terri L Gardner
Poyner & Spruill, LLP
PO DRAWER 10096
RALEIGH, NC 27605-0096

Holmes P Harden
Maupin, Taylor & Ellis, Pa.
P. O. Drawer 19764
Raleigh, NC 27619

Stephani Wilson Humrickhouse
Nicholls & Crampton, P.A.
PO Box 18237 Raleigh, NC 27619

Wood & Francis, PLLC
P.O. Box 164
Raleigh, NC 27602

Scott Wilkinson
617 Sarah Lawrence Court
Raleigh, NC 27609

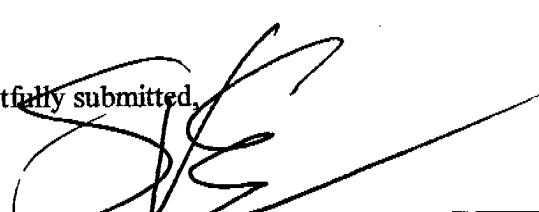
Office of the U.S. Attorney
AUSA Gaston Williams
310 New Bern Avenue
Suite 800
Raleigh, NC 27601

Brent Wood
1135 Kildaire Farm Road
Suite 311-8
Cary, NC 27511

Charles Francis
P.O. Box 164
Raleigh, NC 27602

Anthony Flanagan
7200 Stonehenge Drive
Suite 311
Raleigh, NC 27613

Respectfully submitted,



Stanley H. Van Etten, Pro Se
7924 Lake Drive
Raleigh, NC 27613

Rev. 2/2000

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
Raleigh Division

EXHIBIT1

IN THE MATTER OF: Show Cause Hearing
Docket Entry #648

CASE NUMBER: 98-02675-5-A7

DEBTOR International Heritage, Inc
International Heritage, Incorporated
SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

TO: Anthony Flanagan

☒ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

Place: <u>Room 208, 300 Fayetteville Street Mall</u> <u>Raleigh, NC 27602 (Exhibit A)</u>	Date: <u>10-14-2004</u>
	Time: <u>9:30 AM</u>

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Place:	Date:
	Time:

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

(list documents or objects):	
Place:	Date:
	Time:

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

Premises:	Date:
	Time:

Any subpoenaed organization not a party to this proceeding case shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable to this proceeding by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed.R. Bankr. P.

Issuing Officer Signature and Title: <u>Duane W. Haddock, Deputy Clerk</u>	Date: <u>SEP 30 2004</u>
Issuing Officer's Name, Address and Phone Number: <u>Duane W. Haddock</u> U.S. BANKRUPTCY COURT P.O. BOX 1441 RALEIGH, NC 27602-1441 <u>919-856-4252</u>	

VAN-057 Notice to Creditors and Other Parties In Interest - Rev. 01/09/2004.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

Room 209, 300 Fayetteville Street Mall
P.O. Drawer 1441
Raleigh, NC 27602-1441

"A"

IN RE:

International Heritage, Inc.
(debtor has no known aliases)

C/O TERRI L. GARDNER
POST OFFICE DRAWER 1389
RALEIGH, NC 27602

CASE NO.: 98-02675-5-ATS

DATE FILED: November 25, 1998

CHAPTER: 7

TaxID: 56-1921093

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN that a hearing will be held as indicated below:

DATE: Thursday, October 14, 2004
TIME: 09:30 AM
PLACE: Room 208, 300 Fayetteville Street Mall, Raleigh, NC 27602

to consider and act on the following matters:

Motion For Show Cause Order filed by Stanley H Van Etten.

and to transact all other business as may properly come before the court.

DATED: September 22, 2004

Peggy B. Deans
Clerk of Court

Rev. 2/2000

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
Raleigh Division

IN THE MATTER OF: Show Cause Hearing

CASE NUMBER:

98-02675-5-ATS

DEBTOR International Heritage, Inc.
International Heritage, Incorporated
SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

TO: Charles Francis

☒ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

Place: <u>See Attached Exhibit A</u>	Date: <u>10-14-2004</u>
	Time: <u>9:30 AM</u>

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Place:	Date:
	Time:

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

(list documents or objects):	
Place:	Date:
	Time:

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

Premises:	Date:
	Time:

Any subpoenaed organization not a party to this proceeding case shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable to this proceeding by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

Issuing Officer Signature and Title: <u>Diane W. Haddock, Deputy Clerk</u>	Date: <u>SEP 30 2004</u>
Issuing Officer's Name, Address and Phone Number: <u>Diane W. Haddock</u>	
<p>U.S. BANKRUPTCY COURT P.O. BOX 1441 RALEIGH, NC 27602-1441</p>	

919-856-4152

VAN-057 Notice to Creditors and Other Parties in Interest - Rev. 01/09/2004

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

Room 209, 300 Fayetteville Street Mall
P.O. Drawer 1441
Raleigh, NC 27602-1441

IN RE:

International Heritage, Inc.
(debtor has no known aliases)

C/O TERRI L. GARDNER
POST OFFICE DRAWER 1389
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DATED: September 22, 2004

Peggy B. Deans
Clerk of Court